

WEDNESDAY, FEBRUARY 23, 2000

FIFTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Eddie Thompson, Crieve Hall Church of Christ, Nashville, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cole (Dyer); personal reasons.

Representative Jackson; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2145: Rep(s). Pinion, Stulce, Boyer and Walker as prime sponsor(s).

House Bill No. 2534: Rep(s). Black, Patton and Ford as prime sponsor(s).

MESSAGE FROM THE GOVERNOR
February 18, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 674 and 2128, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 22, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2675, also, House Joint Resolution(s) No(s). 449, 450, 451, 452, 453, 454, 456, 457, 458, 459, 460, 462, 468 and 472; with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 22, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2349, without his signature.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
February 23, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution No. 176, without his signature.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE SENATE
February 23, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 602, 603, 604, 605, 606, 607, 608, 609, 611, 612, 625 and 628; all adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 602 -- Memorials, Heroism - Dennis Glisson, Jason Collins, Wallace Parrish, Wayne Ellison, Matt Dill, Jeff Stone, and Johnny Wilkerson. by *Springer.

Senate Joint Resolution No. 603 -- Memorials, Academic Achievement - Melanie Knight, Stewart County High School Valedictorian. by *Kurita.

Senate Joint Resolution No. 604 -- Memorials, Death - Judge Jerome Turner. by *Cohen, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 605 -- Memorials, Academic Achievement - Matthew Allen Taylor, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 606 -- Memorials, Academic Achievement - Rachel Jane Vincent, Co-Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 607 -- Memorials, Academic Achievement - Kelly Dawn Thompson, Westmoreland High School Salutatorian. by *Graves.

Senate Joint Resolution No. 608 -- Memorials, Academic Achievement - Madalina Cristoloveanu, Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 609 -- Memorials, Academic Achievement - Cayce Michelle Pirtle, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 611 -- Memorials, Public Service - Amanda Bates, 2000 Prudential Spirit of Community award recipient. by *Cooper.

Senate Joint Resolution No. 612 -- Memorials, Retirement - Terry Edgington. by *Burks.

Senate Joint Resolution No. 625 -- Memorials, Personal Occasion - Congratulates Neil B. Schultz on the occasion of his 80th birthday. by *McNally.

Senate Joint Resolution No. 628 -- General Assembly, Recess & Reconvene - Provides for recess of the Senate from 3/2/00 to 3/13/00 and from 3/16/00 to 3/27/00. by *Crutchfield.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 24, 2000:

House Joint Resolution No. 478 -- Memorials, Professional Achievement - Tommy Webster, Grammy nomination. by *Hargett, *Pleasant.

House Joint Resolution No. 479 -- Memorials, Professional Achievement - Lisa Wimberly, Shelby County Employee of the Year. by *Hargett, *Pleasant.

House Joint Resolution No. 480 -- Memorials, Death - Polly Beasley. by *Bone.

House Joint Resolution No. 483 -- Memorials, Professional Achievement - Howard Phillips, Powell Business and Professional Association, Business Person of the Year. by *Dunn.

House Joint Resolution No. 484 -- Memorials, Professional Achievement - Derrell Frye, Powell Business and Professional Association Man of the Year. by *Dunn.

House Joint Resolution No. 485 -- Memorials, Professional Achievement - Ellie Howe, Powell Business and Professional Association Woman of the Year. by *Dunn.

House Joint Resolution No. 486 -- Memorials, Death - John C. White of Cookeville. by *Hargrove.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 24, 2000:

Senate Joint Resolution No. 602 -- Memorials, Heroism - Dennis Glisson, Jason Collins, Wallace Parrish, Wayne Ellison, Matt Dill, Jeff Stone, and Johnny Wilkerson. by *Springer.

Senate Joint Resolution No. 603 -- Memorials, Academic Achievement - Melanie Knight, Stewart County High School Valedictorian. by *Kurita.

Senate Joint Resolution No. 604 -- Memorials, Death - Judge Jerome Turner. by *Cohen, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 605 -- Memorials, Academic Achievement - Matthew Allen Taylor, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 606 -- Memorials, Academic Achievement - Rachel Jane Vincent, Co-Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 607 -- Memorials, Academic Achievement - Kelly Dawn Thompson, Westmoreland High School Salutatorian. by *Graves.

Senate Joint Resolution No. 608 -- Memorials, Academic Achievement - Madalina Cristoloveanu, Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 609 -- Memorials, Academic Achievement - Cayce Michelle Pirtle, Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 611 -- Memorials, Public Service - Amanda Bates, 2000 Prudential Spirit of Community award recipient. by *Cooper.

Senate Joint Resolution No. 612 -- Memorials, Retirement - Terry Edgington. by *Burks.

Senate Joint Resolution No. 625 -- Memorials, Personal Occasion - Congratulates Neil B. Schultz on the occasion of his 80th birthday. by *McNally.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3282 -- Polk County - Subject to local approval, revises and restates private act levying privilege tax on consumers participating in certain amusements specifically exempted from tax on admissions by general law. Amends Chapter 2 of the Private Acts of 1981. by *Newton.

House Bill No. 3283 -- Madisonville - Subject to local approval, designates Madisonville as "city" instead of "town." Amends Chapter 663 of the Private Acts of 1911; as amended. by *Gunnels, *McKee.

House Bill No. 3284 -- Wayne County - Subject to local approval, authorizes employment of county attorney - Repeals Chapter 601 of Private Acts of 1911. by *White, *Tidwell.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2210** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates for Tennessee state guard; allocates 50 percent of funds produced from sale thereof to Tennessee state guard. Amends TCA Title 55, Chapter 4. by *Crowe, *Dixon, *Williams, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cooper, *Crowe, *Crutchfield, *Davis L, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Womack. (HB2202 by *Patton, *Windle, *McDonald, *Bone, *Ford S, *Curtiss)

***Senate Bill No. 2252** -- Cooperatives - Modifies certain provisions pertaining to electric cooperatives owning, operating or acquiring cable television system. Amends TCA Section 65-25-204 and Section 65-25-205. by *Rochelle. (HB2889 by *Rinks)

***Senate Bill No. 2629** -- Bond Issues - Allows longer term renewals on state revenue anticipation notes. Amends TCA Title 9, Chapter 9. by *Henry, *Dixon. (HB2819 by *Kisber)

***Senate Bill No. 2631** -- County Officers - Repeals additional compensation for county executives serving as county financial officer. - Repeals TCA Section 5-6-113. by *Henry. (HB2823 by *Kisber)

***Senate Bill No. 2633** -- Comptroller, State - Directs comptroller to preserve and maintain assessment records for period of not less than seven years; makes technical changes to language referring to interstate commerce commission (ICC) and substitutes "federal highway administration" for ICC where used. Amends TCA Section 67-5-1301; Section 67-5-1326; Section 67-5-1328 and Section 67-5-501. by *Henry. (HB2798 by *White)

***Senate Bill No. 2669** -- Victims' Rights - Specifies that all claims for compensation filed under Criminal Injuries Compensation Act are to be heard on claim commission's small claims docket, regardless of amount of claim, unless claim removed to regular docket at discretion of either party before hearing. Amends TCA 40-24-107, Section 67-4-606; Title 29, Chapter 13, Parts 1 and 3, and Title 9, Chapter 8. by *Kyle, *Burks. (HB2613 by *Hargrove)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3281 -- Cocke County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 22, 2000**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 24, 2000**: House Bill(s) No(s). 2491, 2613, 2768, 2339, 2293, 2798, 2264 and 1834.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 28, 2000**: House Bill(s) No(s). 2781, 2782, 2722, 2666, 2352 and House Joint Resolution(s) No(s). 399.

AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 2546 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CHILDREN AND FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2900, also House Bill(s) No(s). 2529 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2897, 2889, 2538; also House Bill(s) No(s). 2736 and 2981 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

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It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2887 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2545 and House Joint Resolution(s) No(s). 411. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2671, also House Bill(s) No(s). 2236 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2104, 2183, 2227, 2725, 2679, 2680, also House Bill(s) No(s). 2294 and 2775 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2071 and 2425. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommends that House Bill(s) No(s). 2547, 2551, 2548, 2549 and 2550 be transmitted to the Agriculture Committee, House Bill(s) No(s). 3018 and 3020 be transmitted to the Commerce Committee, House Bill(s) No(s). 2099 be transmitted to the Finance, Ways and Means Committee, House Bill(s) No(s). 2753, also House Bill(s) No(s). 2461 with amendments be transmitted to the Health and Human Resources Committee, House Bill(s) No(s). 2453 be transmitted to the Judiciary Committee, and House Bill(s) No(s). 2343 and 2759 be transmitted to the Transportation Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2463 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2131 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3055, 2012, 2194, 2797 and 2823. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2492, 2493; also House Bill(s) No(s). 1585 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 23, 2000**, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1574, 2757, 3056, also House Resolution(s) No(s). 129, 130, 131 and 132, also House Bill(s) No(s). 2715, 2760 and 2123 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2698 and 2095. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2740, 2268, also House Bill(s) No(s). 2103 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CAPTION BILLS REFERRED

February 23, 2000

Pursuant to **Rule No. 47**, the following Caption Bill(s), 2408, 3012, 2035, 2280, 2248, 2811 and 2159 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 2408** -- Hazardous Materials – House Conservation and Environment Committee

***House Bill No. 3012** -- Agriculture, Dept. of – House Agriculture Committee

House Bill No. 2035 -- Statutes – House State and Local Government Committee

***House Bill No. 2280** -- Tobacco, Tobacco Products – House Finance, Ways and Means Committee

***House Bill No. 2248** -- Traffic Safety – House Transportation Committee

House Bill No. 2811 -- Public Health and Health Care – House Health and Human Resources Committee

***House Bill No. 2159** -- Custody and Support – House Children and Family Affairs Committee

CONSENT CALENDAR

House Bill No. 2487 -- Consumer Protection - Sets threshold limit for doctors of chiropractic at \$50,000 before judgments or settlements are reportable under the Health Care Consumer Right-to-Know Act of 1998. Amends TCA Section 63-51-105. by *Jones, S.. (*SB2533 by *Herron)

House Bill No. 2068 -- Sunset Laws - Southern states energy board, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 202. by *Kernell, *Garrett, *Brooks. (*SB2002 by *Springer, *Dixon)

On motion, House Bill No. 2068 was made to conform with **Senate Bill No. 2002**; the Senate Bill was substituted for the House Bill.

House Bill No. 2069 -- Sunset Laws - Southern dairy compact, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 35. by *Kernell, *Garrett, *Brooks. (*SB2008 by *Springer, *Dixon)

House Bill No. 2066 -- Sunset Laws - Standards committee, department of human services, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2038 by *Springer)

On motion, House Bill No. 2066 was made to conform with **Senate Bill No. 2038**; the Senate Bill was substituted for the House Bill.

House Bill No. 2422 -- Sunset Laws - Beech River watershed development authority, board of directors, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 64, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2103 by *Springer)

On motion, House Bill No. 2422 was made to conform with **Senate Bill No. 2103**; the Senate Bill was substituted for the House Bill.

House Bill No. 782 -- Driver Licenses - Provides suspension or revocation of driver license not take effect until ten days after notice has been sent to driver's last known address; provides that notice requirement does not apply to license suspension or revocation by court of competent jurisdiction or where license surrendered to court. Amends TCA Title 55, Chapter 50, Part 5. by *McAfee. (*SB632 by *Fowler, *Dixon)

On motion, House Bill No. 782 was made to conform with **Senate Bill No. 632**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 398** -- General Assembly, Confirmation of Appointment - Fred Patrick Gattas III, Tennessee Higher Education Commission. by *Chumney, *Naifeh.

House Bill No. 2904 -- Gordonsville - Subject to local approval, rewrites charter. Amends Chapter 208 of the Acts of 1909; as amended. by *Buck. (SB3036 by *Rochelle)

House Bill No. 2909 -- Claiborne County - Subject to local approval, enacts "Claiborne County Uniform Nepotism Policy Act.". by *Goins. (SB2937 by *Williams)

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House Bill No. 3275 -- Henderson County - Subject to local approval, abolishes office of purchasing agent effective 8/31/00, or when there is vacancy in such office, whichever occurs first. Amends Chapter 40 of the Private Acts of 1995. by *McDaniel. (SB3266 by *Springer)

House Bill No. 3276 -- Greene County - Subject to local approval, increases salary of road commissioners to \$17,680. Amends Chapter 130 of the Private Acts of 1927; as amended. by *Whitson, *Davis (Cocke). (SB3262 by *Haun)

House Bill No. 3278 -- Campbell County - Subject to local approval, increases Campbell County school board from five to ten members. Amends Chapter 15 of the Private Acts of 1993. by *Goins, *Baird. (SB3264 by *McNally)

House Bill No. 3279 -- Washington County - Subject to local approval, changes name of dog and cat control program to animal control program in charter to provide for enforcement of animal cruelty laws under TCA 39-14-202 Amends Chapter 167 of the Private Acts of 1986; as amended. by *Patton, *Davis (Washington). (SB3261 by *Crowe)

House Bill No. 3280 -- Alcoa - Subject to local approval, revises certain provisions of city charter. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord, *Kerr. (SB3267 by *Clabough)

House Joint Resolution No. 476 -- Memorials, Professional Achievement - Brenda Moss, Florist of the Year. by *Beavers, *Bone.

House Joint Resolution No. 477 -- Memorials, Public Service - Liza St. John, recipient of Distinguished Finalist medallion, Prudential Spirit of Community Award. by *Lewis.

Senate Joint Resolution No. 595 -- Memorials, Professional Achievement - Rebecca Leifert, District Teacher of the Year 2000. by *Haun.

Senate Joint Resolution No. 597 -- Memorials, Death - Dr. George Vernon Irons, Sr. by *Cooper.

Senate Joint Resolution No. 600 -- Memorials, Public Service - Norell Services of Johnson City. by *Crowe.

Senate Joint Resolution No. 601 -- Memorials, Personal Occasion - Bertha Walker Menees, 100th birthday. by *Haynes.

OBJECTION – CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2069: by Rep. Chumney

Under the rules, House Bill No: 2069 was/were placed at the foot of the calendar for February 24, 2000.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2615 -- Codes - Allows trough systems with continuously running water in men's restrooms located in publicly and privately owned facilities where public congregates. Amends TCA Title 68, Chapter 120, Part 5. by *Hargrove. (*SB2729 by *Haynes)

Rep. Hargrove moved that **House Bill No. 2615** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2534 -- Funeral Directors and Embalmers - Eliminates 24 hour waiting period for cremation when decedent purchased prepaid cremation plan and personally consented to cremation. Amends TCA Title 62, Chapter 5, Part 5. by *Fowlkes, *Odom, *Walker (Rhea). (*SB2317 by *Cooper)

Rep. Fowlkes moved that House Bill No. 2534 be passed on third and final consideration.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Fowlkes moved that **House Bill No. 2534** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	12
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Sharp, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Bunch, Cooper, Hargett, Kernell, Montgomery, Pleasant, Pruitt, Scroggs, Stulce, Todd, Towns, Westmoreland -- 12.

Representatives present and not voting were: Brooks, Brown, DeBerry L., Miller, Robinson -- 5.

A motion to reconsider was tabled.

***House Bill No. 2145** -- Capital Punishment - Requires records to remain confidential that identify person who was or will be involved in executing death sentence; requires that payment to person for work related to execution be made in accordance with memorandum of understanding between commissioners of correction and finance and administration; such memorandum must protect identity of person. Amends TCA Title 10, Section 7. by *McAfee. (SB2163 by *Elsea)

Rep. McAfee moved that House Bill No. 2145 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2145 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding a new subsection as follows:

(1) Notwithstanding any other law to the contrary, those parts of the record identifying an individual as a person who has been or may in the future be directly involved in the process of executing a sentence of death shall be treated as confidential and shall not be open to public inspection. For the purposes of this section "person" includes, but is not limited to, an employee of the state who has training related to direct involvement in the process of executing a sentence of death, a contractor or employee of a contractor, or volunteer who has direct involvement in the process of executing a sentence of death. Records made confidential by this section include, but are not limited to, records related to remuneration to a person in connection with such person's participation in or preparation for the execution of a sentence of death. Such payments shall be made in accordance with a memorandum of understanding between the commissioner of correction and the commissioner of finance and administration in a manner that will protect the public identity of the recipients. Provided, however, if a contractor is employed to participate in or prepare for the execution of a sentence of death, the amount of the special payment made to such contractor pursuant to the contract shall be reported by the commissioner of correction to the comptroller of the treasury and such amount shall be a public record.

(2) Information made confidential by this subsection shall be redacted wherever possible and nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Boyer moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Westmoreland moved the previous question, which motion prevailed by the following vote:

Ayes	68
Noes	21

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Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Cole (Carter), Davidson, Davis (Cocke), Davis (Washington), Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Hood, Kent, Kerr, Kisber, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Rhinehart, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 68.

Representatives voting no were: Arriola, Bowers, Briley, Brooks, Brown, Chumney, Cooper, Curtiss, DeBerry L., Dunn, Fitzhugh, Givens, Jones U., Kernell, Langster, Lewis, Maddox, Miller, Phillips, Ridgeway, Turner (Shelby) -- 21.

Rep. McAfee moved that **House Bill No. 2145**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 88
Noes 8

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Briley, Brooks, Brown, DeBerry L., Kernell, Lewis, Phillips, Turner (Shelby) -- 8.

A motion to reconsider was tabled.

***House Bill No. 2316** -- Taxes, Sales - Enacts "Streamlined Sales Tax System for the Twenty First Century Act"; and provides for pilot project for collection of sales and use taxes from sales generated through the medium of e-commerce. Amends TCA Title 67, Chapter 6. by *Kisber, *Head, *McDaniel, *Cole (Dyer), *Rinks, *Armstrong, *Hargrove, *Williams (Williamson), *DeBerry L. (SB2565 by *Cooper)

Rep. Kisber moved that **House Bill No. 2316** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Brown moved that the rules be suspended for the purpose of introducing House Resolution No. 139 out of order, which motion prevailed.

House Resolution No. 139 -- Memorials, Recognition - Chattanooga Choral Society for the Preservation of African American Song and Director Roland Carter. by *Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brown, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Fowlkes moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 482 out of order, which motion prevailed.

House Joint Resolution No. 482 -- Memorials, Recognition - Lincoln County Fair, Champion of Champions Fair. by *Fowlkes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fowlkes, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 399: Rep(s). Boyer and Buttry as prime sponsor(s).

House Bill No. 1237: Rep(s). Ford, Williams, Phelan, Godsey, Mumpower and J. DeBerry as prime sponsor(s).

House Bill No. 1574: Rep(s). McMillan, Scroggs, Sands, Briley, Newton, Boyer and Beavers as prime sponsor(s).

House Bill No. 2100: Rep(s). Turner (Shelby) as prime sponsor(s).

House Bill No. 2129: Rep(s). Turner (Shelby) as prime sponsor(s).

House Bill No. 2134: Rep(s). Turner (Hamilton) and Turner (Shelby) as prime sponsor(s).

House Bill No. 2135: Rep(s). Turner (Hamilton) and Turner (Shelby) as prime sponsor(s).

House Bill No. 2180: Rep(s). Montgomery and Buttry as prime sponsor(s).

House Bill No. 2316: Rep(s). Walker, Bowers, Turner (Hamilton) and Stulce as prime sponsor(s).

House Bill No. 2405: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 2462: Rep(s). West as prime sponsor(s).

House Bill No. 2523: Rep(s). Lewis as prime sponsor(s).

House Bill No. 2529: Rep(s). Armstrong, Givens, Chumney, Turner (Hamilton), Ridgeway, Whitson, Harwell, S. Jones and L. DeBerry as prime sponsor(s).

House Bill No. 2618: Rep(s). Odom as prime sponsor(s).

House Bill No. 2623: Rep(s). Odom as prime sponsor(s).

House Bill No. 2624: Rep(s). Odom as prime sponsor(s).

House Bill No. 2645: Rep(s). Odom as prime sponsor(s).

House Bill No. 2648: Rep(s). Odom as prime sponsor(s).

House Bill No. 2846: Rep(s). Walker as prime sponsor(s).

House Bill No. 2978: Rep(s). Newton as prime sponsor(s).

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House Bill No. 3035: Rep(s). Harwell as prime sponsor(s).

House Bill No. 3036: Rep(s). Harwell as prime sponsor(s).

House Bill No. 3102: Rep(s). Odom as prime sponsor(s).

House Bill No. 3160: Rep(s). Odom as prime sponsor(s).

House Bill No. 3166: Rep(s). Goins as prime sponsor(s).

House Bill No. 3170: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 3171: Rep(s). S. Jones as prime sponsor(s).

MESSAGE FROM THE SENATE

February 23, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2805 and 2829; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

February 23, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 461, 463, 464, 465, 466 and 467; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENGROSSED BILLS

February 23, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2487, 2615, 2904, 2909, 3275, 3276, 3278, 3279, 3280, also, House Joint Resolution(s) No(s) 398, 476 and 477.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

February 23, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2145, 2316, 2534, also, House Joint Resolution(s) No(s) 482.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 23, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2145; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE
February 23, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 897, 2097, 2206, 2320 and 2386; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 897** -- Sentencing - Adds to list of sentencing enhancement factors that victim was intentionally selected by defendant because of defendant's belief or perception regarding race, religion, color, disability, sexual orientation, national origin, ancestry or gender of victim. Amends TCA Section 40-35-114. by *Rochelle, *Cohen, *Burks, *Kurita, *Haynes, *Harper. (HB989 by *Hargrove, *Briley)

***Senate Bill No. 2097** -- Sunset Laws - Child welfare licensing board of review, June 30, 2006; makes board subject to open meetings requirements. Amends TCA Title 4, Chapter 29, and Title 71, Chapter 3. by *Springer. (HB2430 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2206** -- Evidence - Permits psychiatrist to testify concerning communications with patient in proceeding in which patient seeks to gain or retain child custody and mental or emotional condition of patient an issue Amends TCA Section 24-1-207. by *Cohen. (HB2570 by *Briley)

***Senate Bill No. 2320** -- DUI/DWI Offenses - Directs that prior conviction appearing on official driver record maintained by department of safety be considered prima facie evidence that such conviction occurred for purposes of prosecuting second or subsequent DUI offenses. Amends TCA Title 55, Chapter 10, Part 4. by *Rochelle, *Graves, *Davis L, *Haun, *McNally, *Williams, *Kurita. (HB3062 by *Jackson, *Briley, *Scroggs, *Newton)

***Senate Bill No. 2386** -- Landlord and Tenant - Authorizes district attorney general to send inquiry by certified mail to property owner or landlord to determine whether property owner or landlord will evict tenant for prostitution or drug offense. Amends TCA Section 66-7-107. by *Kyle, *Burks, *Kurita. (HB3247 by *Chumney, *Bowers, *DeBerry L)

ROLL CALL

The roll call was taken with the following results:

Present 97

WEDNESDAY, FEBRUARY 23, 2000 – FIFTY-SIXTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, February 24, 2000.